IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16341 of 2004

Between:

Dudekula Bala Maddilety, S/o. Pedda Maddubai,
R/o. Mandapam Veedi, Owk Village & Mandal, Kurnool District.

..... PETITIONER

AND

1 The Sub-Inspector of Police, Owk Police Station, Kurnool District.
2 The Circle Inspector of Police, Banaganapally, Kurnool District.
3 The Deputy Superintendent of Police, Dhone, Kurnool District.
4 The Superintendent of Police, Kurnool, Kurnool District.
5 Pullapati Ramana, S/o. Venkata Subbana,
R/o. Near Police Station, Owk Village & Mandal, Kurnool

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction, more particularly in the nature of Writ of Mandamus to declare the action of the 1st respondent in interfering in civil disputes pending between the petitioner and the 5th respondent for recovery of amount covered by the promissory note and demanding the petitioner to pay the amount immediately and detaining him in the Police Station with out due process of law is arbitrary illegal and violative of Article 21 of Constituency of India and consequently direct the respondents not to summon the petitioner to the police Station without due process of law and not interfere in the civil disputes pending between the petitioner and the 5th respondent in the interest of justice.

Counsel for the Petitioner:MR.P.NAGENDRA REDDY

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following O R D E R:

This writ petition is filed seeking a declaration that the alleged action of the first respondent-Sub Inspector of Police, Owk Police Station, Kurnool District in interfering with the civil disputes pending between the petitioner and the fifth respondent for recovery of amount under the promissory note and demanding the petitioner to pay the amount and detaining him in the Police Station without due process of law, as arbitrary, illegal and violative of Article 21 of the Constitution of India and also seeking a consequential direction to respondents 1 to 4 not to summon the petitioner to the Police Station without due process of law.

The first respondent filed counter on his behalf and on behalf of respondents 2 to 4 denying all the allegations made by the petitioner and stated that the fifth respondent never approached the respondents and he never gave any complaint against the petitioner and therefore, the question of summoning the petitioner to the Police Station does not arise. It is further stated that the petitioner never lodged a complaint with respondents 2 to 4 about the illegal action of the first respondent and that at no point of time, respondents 1 to 4 have interfered with the civil disputes between the petitioner and the fifth respondent.

In the light of the averments in the counter-affidavit denying all the allegations made by the petitioner, no further adjudication is necessary in this writ petition.

Accordingly, recording the statement in the counter-affidavit, the writ petition is disposed of. No costs.

10-11-2004

kdl

To

1 The Sub-Inspector of Police, Owk Police Station, Kurnool District.
2 The Circle Inspector of Police, Banaganapally, Kurnool District.
3 The Deputy Superintendent of Police, Dhone, Kurnool District.
4 The Superintendent of Police, Kurnool, Kurnool District.
5 Two C.Cs to the Government Pleader for Home, High Court

Buildings, A.P., Hyderabad (OUT)

6 Two C.D copies.